

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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In re : Chapter 9
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CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
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Debtor. : Hon. Steven W. Rhodes
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**DEBTOR'S OPPOSITION TO OBJECTORS' MOTION TO
ADMIT CERTAIN DEPOSITION TESTIMONY OF
KEVYN ORR AND KENNETH BUCKFIRE**

The Objectors¹ move the Court to admit certain deposition testimony of Kevyn Orr and Kenneth Buckfire (Dkt #954) for purposes of the upcoming evidentiary hearing relating to the *Motion of Debtor for Entry of an Order (I) Authorizing the Assumption of that Certain Forbearance and Optional Termination Agreement Pursuant to Section 465(a) of the Bankruptcy Code, (II) Approving Such Agreement Pursuant to Rule 9019*,

¹ The movants are: Syncora Capital Assurance Inc. and Syncora Guarantee Inc. ("Syncora"), Erste Europäische Pfandbrieffund Kommunalkreditbank Aktiengesellschaft in Luxemburg S.A., DEPFA Bank PLC, Ambac Assurance Corporation, National Public Finance Guarantee Corporation, Assured Guaranty Municipal Corp., Financial Guaranty Insurance Company, the Police and Fire Retirement System of the City of Detroit and the General Retirement System of the City of Detroit, and the Official Committee of Retirees.

and (III) *Granting Related Relief* dated July 18, 2013 (Dkt #17) (“Assumption Motion”).

1. The City opposes the Objectors’ motion for the following reasons.

2. First, the Objectors’ method of dealing with what is essentially deposition designations and counter-designations (by filing a motion *in limine*) is improper and inefficient. There will likely be multiple other parties that wish to designate deposition testimony of multiple other witnesses as part of the hearings regarding the City’s Assumption Motion and Motion to Approve Post-Petition Financing (Dkt #157) (“Consolidated Hearing”). If the Court approves this motion, the result would be similar motions filed piecemeal.

3. Second, the Court and parties already have a roadmap to deal with this issue efficiently. During the Eligibility Trial, the parties coordinated the filing of deposition designations and counter-designations smoothly. On the final day of the Eligibility Trial, the parties presented the Court with transcripts that indicated (via different color highlights) designations and counter-designations.

4. Accordingly, the City respectfully requests that the Court deny Objectors’ motion and instruct the parties to coordinate when and how

deposition designations and counter-designations (along with any evidentiary objections to such designations and counter-designations) will be submitted to the Court. A proposed order reflecting this approach is attached as Exhibit 1A.

5. If the Court desires to grant the Objectors' motion, the City requests in the alternative, that the Court allow the City to counter-designate portions of Messrs. Orr and Buckfire's depositions testimony now. Attached are said deposition transcripts depicting Objectors' designations (highlighted in yellow) and City's counter-designations (highlighted in blue). Exs. 5 (Orr) and 6 (Buckfire).

6. A proposed order reflecting the City's alternative position is attached as Exhibit 1B.

Dated: December 10, 2013

Respectfully submitted,
/s/ David G. Heiman

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